

535.6 Measurement and calculation procedures.

535.7 Averaging, banking, and trading (ABT) program.

535.8 Reporting requirements.

535.9 Enforcement approach.

AUTHORITY: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

SOURCE: 76 FR 57493, Sept. 15, 2011, unless otherwise noted.

§ 535.1 Scope.

This part establishes fuel consumption standards pursuant to 49 U.S.C. 32902(k) for work trucks and commercial medium-duty and heavy-duty on-highway vehicles (hereafter referenced as heavy-duty vehicles) and engines manufactured for sale in the United States and establishes a credit program manufacturers may use to comply with standards and requirements for manufacturers to provide reports to the National Highway Traffic Safety Administration regarding their efforts to reduce the fuel consumption of these vehicles.

§ 535.2 Purpose.

The purpose of this part is to reduce the fuel consumption of new heavy-duty vehicles by establishing maximum levels for fuel consumption standards while providing a flexible credit program to assist manufacturers in complying with standards.

§ 535.3 Applicability.

(a) This part applies to complete vehicle and chassis manufacturers of all new heavy-duty vehicles, as defined in 49 CFR part 523, and to the manufacturers of all heavy-duty engines manufactured for use in the applicable vehicles for each given model year.

(b) Complete vehicle manufacturers, for the purpose of this part, include manufacturers that produce heavy-duty pickup trucks and vans or truck tractors as complete vehicles and that hold the EPA certificate of conformity.

(c) Chassis manufacturers, for the purpose of this part, include manufacturers that produce incomplete vehicles constructed for use as heavy-duty pickup trucks or vans or heavy-duty vocational vehicles and that hold the EPA certificate of conformity. Some vocational vehicle manufacturers are

both chassis and complete vehicle manufacturers. These manufacturers will be regulated as chassis manufacturers under this program.

(d) Engine manufacturer, for the purpose of this part, means a manufacturer that manufactures engines for heavy-duty vehicles and holds the EPA certificate of conformity.

(e) The heavy-duty vehicles, chassis and engines excluded from the requirements of this part include:

(1) Recreational vehicles, including motor homes.

(2) Vehicles and engines exempted by EPA in accordance with 40 CFR parts 1036 and 1037.

(f) Vehicles and engines produced by small business manufacturers as defined by the Small Business Administration at 13 CFR 121.201 are exempted as specified in § 535.8(h).

(g) Heavy-duty off-road vehicles meeting the criteria in 49 CFR part 523 are exempt without request from vehicle standards of § 535.5(b). Manufacturers of vehicles not meeting the criteria for the heavy-duty off-road vehicle exclusion may submit a petition as specified in § 535.8(h) to EPA and NHTSA for an exclusion from the vehicle standards of § 535.5(b).

(h) A vehicle manufacturer that completes assembly of a vehicle at two or more facilities may ask to use as the date of manufacture for that vehicle the date on which manufacturing is completed at the place of main assembly, consistent with provisions of 49 CFR 567.4, as the model year. Note that such staged assembly is subject to the provisions of 40 CFR 1068.260(c). NHTSA's allowance of this provision is effective when EPA approves the manufacturer's certificates of conformity for these vehicles.

§ 535.4 Definitions.

The terms manufacture and manufacturer are used as defined in section 501 of the Act and the terms commercial medium-duty and heavy-duty on-highway vehicle, fuel and work truck are used as defined in 49 U.S.C. 32901.

A to B testing means testing performed in pairs to allow comparison of vehicle A to vehicle B.